

## REMARKS

The Examiner is thanks for the careful review of the subject application.

Claims 4-6, 9-11, 20-22 and 25 are pending in the present application. Claims 4, 10, and 25-27 are independent claims. Claims 26 and 27 are added by this Amendment. The Applicants believe that the present application is now in condition for allowance, for which prompt and favorable action is respectfully requested.

### *35 U.S.C. §102(b) – Criss in view of Cox*

Claims 4, 6, 9-11, 21-22 and 25 are rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,643,506 (“Criss”). The Applicants respectfully traverse this art grounds of rejection.

### *Brief Summary of Previous Assertions Made by the Office*

As an initial matter, the Applicants note that the claims under this rejection were previously rejected under 35 U.S.C. §103(a) based on Criss in view of U.S. Patent No. 6,965,928 (“Cox”) because the Office’s position was that:

Criss doesn't teach specifically, after said booting-up, remotely receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device; and responsive to said remote recall command, uninstalling said targeted application without requiring end-user interaction, wherein the uninstalling of said targeted application results in the application no longer functioning. (See Page 4 of the 12/31/2007 Office Action)

By withdrawing reference to Cox and rejecting these claims in the current Office Action based on Criss alone, the Office appears to have abandoned this previous position regarding deficiencies present within Criss.

### *Discussion of Criss as Applied by the Office in the 9/4/2008 Office Action*

Criss is directed to a wireless communication system that determines whether a wireless device is operating a current version of an operating system, and having the wireless device download and install an upgraded operation system if the wireless device's operating system is not current.

The Office cites to Criss so as to show a wireless device that boots up and initializes for normal operation (*See* Page 2 of the 9/4/2008 Office Action). The Office also cites to Criss at Column 10, lines 20-37 for disclosing additional limitations previously acknowledged by the Office as not being taught by Criss (as mentioned above). For example, the Office alleges that Column 10, lines 20-37 discloses "responsive to said remote recall command, uninstalling said targeted application without requiring end-user interaction, wherein the uninstalling of said targeted application results in the application no longer functioning," where the recall command includes "a unique application identification," as recited in claim 4 (*e.g.*, *see* Page 3 of the 9/4/2008 Office Action).

The cited section of Criss recites the following:

Each package definition file also includes an indication of the total memory occupied by the operating software associated with the package name (*e.g.*, 200 Kbytes, 150 Kbytes, etc.). In addition, each package definition file includes an indicator which indicates whether the operating software which is downloaded from the FTP server 31 to the mobile terminal is to be downloaded in a "replace" or "fail safe" mode as is discussed in more detail below. Each package definition file also includes a list of filenames included in the operating software associated with the package name. As will be appreciated, such file names represent the files that are utilized by the mobile terminal 36 to carry out its various operations. The actual contents of such files are conventional and are not germane to the invention. If, however, any of these files are deleted, added, or modified as described above, the version indicator is updated in the package definition file by the communication received from the FTP server 31 or directly by input from the system administrator. (*See* Criss Column 10, lines 20-37)

The reproduced section of Criss referred to by the Office describes a package definition file for updating an application at a wireless terminal. The package definition file installs the upgraded

version of the application either in “replace mode,” or “fail-safe mode.” Basically, during “replace mode,” the old application is discarded before the upgraded version is installed, and during “fail-safe mode,” the old application is discarded only after the upgraded version is installed (*e.g.*, *see* Column 14, lines 23-54 of Criss).

Accordingly, it is the Applicants’ understanding that the Office reads the claimed “remote recall command” as some type of command bundled with the package definition file (*i.e.*, to upgrade in replace mode or fail-safe mode), and “uninstalling said targeted application” as the discarding of the old application when the upgraded version of the application is installed. *If this is not the case, the Applicants respectfully request that the Office clarify its position in the next Office Action.*

#### Deficiencies of Criss

Criss discusses the contents of the package definition file in detail with respect to FIGS. 5A through 5D. FIG. 5A, for example, defines the general format of the package definition file as follows:

**Fig. 5a**

Package Name	Version ID, Req. Memory, Mode	File Name	Mobile Ter. Path	FTP Path	Type	ROM/IRAM
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While the Applicants cannot be entirely sure, the Applicants believe that the Office is reading the claimed “targeted application” upon the Package Name field of the package definition file. Regardless, the Applicants do not believe that the Package Name field of the package definition file uniquely identifies the ‘old’ application in Criss. Rather, the Applicants submit that only a combination of the (i) package name and (ii) version ID can uniquely identify an application as set forth in Criss. While the Package Name identifies the type of software that is installed (*e.g.*, Microsoft Office), the Version ID “is a unique identifier of the particular

version of the operating software associated with that particular package name” (e.g., *see* Column 10, lines 10-12 of Criss).

While the package definition file does include a Version ID field, it is clear that the Version ID field corresponds to the new version being installed, **not** the old version being removed. Thus, the package definition file uniquely identifies the new application to be installed, but not the old application to be removed. For example, Criss states:

Upon receiving the Package Definition Packet 324, the mobile terminal processor 40 initially compares the version identifier included in the package definition field 326 with the version identifier previously stored by the processor 40 the last time the mobile terminal downloaded files from the host computer 30. (See Criss at Column 20, line 63 to Column 21, line 1)

This excerpt of Criss clearly shows that the Version ID field in the package definition field identifies the version to be installed, not the version to be removed.

Further, the Applicants respectfully submit that, because Criss is directed to application upgrades, there is no reason for Criss to uniquely identify applications that are to be removed. Indeed, Criss states that applications are removed if a Version ID in the package definition file is more up-to-date than a Version ID of a current version of the application at the wireless device, as determined by a Version ID comparison. Thus, the package definition file has no need to uniquely identify the application version to be removed, but only the new application to be installed. For example Criss states:

If the versions are identical, then the mobile terminal 36 concludes that no upgrades or revisions have been performed to the files included in the respective package. If the versions are different, then the mobile terminal 36 stores the information from the Package Definition Packet 324 and then begins the process of sequentially stepping through each file name listed in the package definition file in the package definition field 326 and transmitting a request that the host computer 30 transfer the actual file so that it may be downloaded and stored in the mobile terminal 36. (See Column 21, lines 1-21 of Criss)

*In other words, the host computer 30 never actually knows the application version installed on the wireless device, so uniquely identifying that application version for an uninstall makes little sense. Instead, Criss teaches identifying the application version to be installed, and relying upon a Version ID comparison to evaluate whether to install the new version (the old version is never uniquely targeted for an uninstall). It will be appreciated that many different applications versions can be installed on different wireless devices, such that identifying the new version to be installed is not necessarily sufficient to identify the current version on a particular device.*

Accordingly, the Applicants respectfully submit that Criss cannot disclose or suggest “receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device” and “responsive to said remote recall command, uninstalling said targeted application” as recited in independent claim 4 and similarly recited in independent claims 10 and 25 because the combination of the Package Name field and Version ID field in the package definition file only uniquely identifies the application to be installed, and **not** the application to be removed.

As such, claims 6, 9, 11 and 21-22, dependent upon independent claims 1 and 10, respectively, are likewise allowable over Criss at least for the reasons given above with respect to independent claims 1 and 10, respectively.

The Applicants respectfully requests that the Office withdraw this art grounds of rejection.

***Newly added independent claims 26 and 27***

The Applicants note that independent claims 26 and 27, which are newly added by this Amendment, include features similar in some respects to independent claim 4, although claims 25 and 26 are directed to different statutory categories of invention, and are allowable at least for the reasons given above with respect to independent claim 4. Accordingly, an indication that independent claims 25 and 26 are allowable is respectfully requested.

***35 U.S.C. §103(a) – Criss in view of Vanttila***

Claims 6 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,643,506 (“Criss”) in view of U.S. Patent No. 5,794,142 (“Vanttila”). The Applicants respectfully traverse this art grounds of rejection.

Initially, the Applicants agree with the Office with regard to certain deficiencies of Criss with respect to dependent claims 6 and 20; namely, that Criss does not disclose that the recall command can be a SMS message (See Page 5 of the 9/4/2008 Office Action). The Office alleges, however, that Vanttila cures these particular deficiencies.

Even assuming for the sake of argument that the Office is correct regarding the alleged teachings of Vanttila, the Applicants respectfully submit that a review of Vanttila indicates that Vanttila is insufficient to cure the suggestion and disclosure deficiencies of Criss as discussed above with respect to independent claims 4 and 10. As such, claims 6 and 20, dependent upon independent claims 4 and 10, respectively, are likewise allowable over Criss and further in view of Vanttila at least for the reasons given above with respect to independent claims 4 and 10, respectively.

The Applicants respectfully request that the Office withdraw this art grounds of rejection. Reconsideration and issuance of the present application is respectfully requested.

### CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: /Fariba Yadegar-Bandari/  
Fariba Yadegar-Bandari  
Reg. No. 53,805  
(858) 651-0397

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502